

### **REMARKS**

Claims 1-33 are pending in the above-referenced application. In the Office Action, the Examiner allowed claims 1-27, rejected claims 28-32, and objected to claim 33. Applicants appreciate the telephone interview courteously granted by the Examiner on August 29, 2005, at which Daniel Justin and David Meibos were present. In the interview, Applicants' proposed amendments for claims 28 and 31 were discussed, as well as proposed new independent claims. The claims were discussed in light of U.S. Patent No. 5,611,306 to Takano (hereinafter "Takano"), and Daniel Justin suggested that the materials disclosed by Takano are materials that are not known to be biocompatible and are not known to be used in the fabrication of medical implants. The Examiner indicated that the proposed claims would be allowable, except for two claims which the Examiner indicated should be subject to a restriction requirement.

By this paper, claims 7, 9-13, and 19 have been amended to correct various minor informalities. As per Applicants' proposal from the interview, claims 28-31 and 33 have also been amended, and claims 34-55 have been added; independent claims 28, 31, 42, and 52 are the same as those the Examiner indicated would be allowable. The claims indicated by the Examiner to contain restrictable subject matter have not been included in this amendment.

### **REJECTION OF CLAIMS 28-31 UNDER 35 U.S.C. §102(b) OVER TAKANO**

Claims 28-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by Takano. By this paper, Applicants have amended claims 28 and 31 to specifically recite formation of a base metal structure having "a biocompatible composition." The composition of the part disclosed by Takano, as set forth in column 3, lines 44-51, is not known to be biocompatible. Accordingly, claims 28 and 31 are novel over Takano, and dependent claims 29, 30, and 32-41 are likewise novel over Takano. Claims 42 and 52 recite "a base shaped to be secured to a body part of a patient." Clearly, the item disclosed by Takano, which is an engine valve, has no such base. Therefore, claims 42 and 52 are also novel over Takano, and dependent claims 43-51 and 53-55 are novel over Takano for the same reasons.

REJECTION OF CLAIM 32 UNDER 35 U.S.C. §103(a) OVER TAKANO

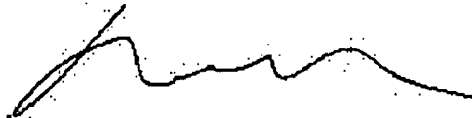
Claim 32 stands rejected under 35 U.S.C. §103(a) as being obvious over Takano. As described previously, claim 31 recites at least one limitation clearly not found in Takano; thus, claim 32 is not obvious over Takano.

CONCLUSION

Applicants respectfully assert that claims 1-55 are in condition for allowance. If there are any remaining issues preventing mailing of a Notice of Allowance, the Examiner is respectfully requested to contact the undersigned.

Dated this 1<sup>st</sup> day of September 2005.

Respectfully submitted,



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